



PC AGENDA: 5-22-02

ITEM: 4. b.

Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: May 16, 2002

SUBJECT: PP01-04-080. Final Environmental Impact Report for the Strong Neighborhoods Initiative (SNI) Redevelopment Plan intended to preserve, revitalize and “strengthen” 22 selected neighborhoods within the City of San Jose. Consisting of goals, objectives, programs, and projects set forth in its Implementation Plan, the SNI Redevelopment Plan will provide for a long-range program for the redevelopment and preservation of the neighborhoods included in the project area.

BACKGROUND

This memo provides the Planning Commission with relevant information about the California Environmental Quality Act (CEQA) and City of San Jose requirements for Environmental Impact Reports (EIRs). This information is intended as background to facilitate the Planning Commission deliberations on the completeness of the document. This procedural information is not intended to displace any of the technical information included in the Environmental Impact Report.

Role of the Planning Commission

The City of San Jose is the lead agency for the Strong Neighborhoods Initiative Redevelopment Plan EIR as defined by CEQA. The Planning Commission is designated by the City’s Municipal Code as the decision making body for certification of Environmental Impact Reports. The Planning Commission is required to hold a public hearing to certify the Final EIR. Upon conclusion of its certification hearing, the Planning Commission may find that the Final EIR is completed in compliance with CEQA. The Planning Commission’s certification of an EIR can be appealed to the City Council by any person filing a written appeal with the Director of Planning, no later than 5:00 p.m. on the third business day following the certification of the EIR. If the Planning Commission does not certify the EIR, it shall take no action, nor make any recommendation, with regard to the project.

The Final EIR consists of the Draft EIR and First Amendment. The First Amendment to the DEIR provides the City’s response to the public comments received on the DEIR, and includes text revisions to the DEIR. The City as the lead agency is required by CEQA to provide a written response to all timely comments. CEQA requires that the Response to Comments be provided to public agencies a minimum of 10 days prior to certification of the EIR.

Proposed Project

The project is the Strong Neighborhoods Initiative (SNI) Redevelopment Plan. The SNI Redevelopment plan provides a long-range program for the redevelopment and preservation of 22 selected neighborhoods included in the SNI. The neighborhoods included within the SNI Redevelopment Plan are as follows:

- Five Wounds
- 13th Street
- St. James Square
- East Valley / 680 Communities
- Brookwood Terrace
- Mayfair
- Spartan / Keys
- Tropicana
- Tully / Senter
- Rockspring
- Santee
- University
- West Evergreen
- Burbank / Del Monte
- Blackford
- Gardner
- Delmas Park
- Washington
- Winchester
- Union / Curtner
- Hoffman / Via Monte
- Edenvale / Great Oaks

The Redevelopment Plan will provide a programmatic framework for the implementation of Neighborhood Improvement Plans for each neighborhood. The primary objectives of the SNI Redevelopment Plan are to:

- Improve the physical conditions of the neighborhoods;
- Enhance community safety;
- Develop a stronger sense of community;
- Connect neighborhoods to resources and each other; and
- Improve the economic viability of individual neighborhoods.

Project History

City Council and public interest has been growing to preserve and revitalize the older residential neighborhoods in the City of San Jose. These neighborhoods, which radiate from the downtown, have been overlooked and bypassed by new development and investment in favor of areas on the periphery of the City. Intended to preserve these neighborhoods, the SNI is a partnership between various City departments and the community to build clean, safe and attractive neighborhoods with independent and capable neighborhood organizations.

ANALYSIS

The analysis consists of CEQA EIR requirements, and a brief summary of the significant impacts, mitigation measures included in the project, and alternatives.

CEQA EIR Requirements

An EIR is an informational document to inform public agency decision-makers and the public of the significant (physical) environmental effects of a project, identify possible ways to mitigate

the significant effects on the environment, and describe reasonable alternatives to the project. An EIR is an informational document, not an action document. CEQA requires the lead agency to make a good faith effort at a reasonable and full disclosure. CEQA requires public agencies to follow an environmental review process intended to ensure that decision-makers have considered environmental concerns in their decision-making. Approval of a project with significant unavoidable impacts would require the adoption of appropriate findings for each significant impact, mitigation measure, and alternative and a Statement of Overriding Considerations that outlines why a project's benefits outweigh its environmental costs.

Redevelopment Plan as a Program EIR

Under CEQA, an EIR for a Redevelopment Plan shall be treated as a Program EIR. Within this framework, the Program EIR can provide analysis of broad environmental impacts resulting from the program as a whole but acknowledge that site-specific environmental review will occur when particular aspects of the program are proposed for implementation. As there are no specific projects currently proposed under the SNI Redevelopment Plan, the EIR only evaluates environmental impacts at a programmatic level. Thus, when specific projects are proposed, they will be evaluated within the context of the Redevelopment EIR with subsequent environmental review. CEQA refers to this process as "tiering" environmental review.

Review of Response to Comments

CEQA requires that the lead agency shall provide a written response to a public agency on comments, which conform to the requirements of CEQA, made by that agency. CEQA requires the response to comments to be provided to the public agency at least 10 days prior to certifying an EIR. It is important to note that this requirement applies only to the comments submitted by that particular public agency. The 10 days is intended to allow a public agency sufficient time to review the responses to the comments submitted by that individual public agency. CEQA only requires the lead agency to provide the individual response to the individual commenting agency, it does not require that all of the responses to all of the comments be distributed to every commenting public agency. The City of San Jose, however, does provide the complete set of responses to comments in the First Amendment as standard practice. The First Amendment together with the Draft EIR constitutes the Final SEIR.

The City received five letters of comment on the Draft EIR. The comment letters addressed such issues as traffic, biological resources, and land use. These comments, along with responses and text changes to the EIR, were circulated as the First Amendment on May 6th, 2002.

Significant Impacts and Mitigation

The SNI Redevelopment EIR does not identify any significant *unavoidable* impacts that would result as part of project implementation. While the EIR does identify several significant impacts that could occur under the Redevelopment Plan, mitigation measures have been incorporated that would avoid or lessen these possible impacts to a less than significant level. As the SNI Redevelopment EIR serves as a Program EIR, all mitigation measures included are of a programmatic nature. These mitigation measures will be implemented at the project specific stage, where warranted. Mitigation measures have been incorporated for the following environmental impact areas:

- Air Quality
- Noise
- Hazardous Materials
- Cultural Resources

Alternatives to the Project

CEQA requires that all EIRs analyze a range of alternatives in addition to an analysis of the proposed project. The alternatives identified in the EIR should feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project. The purpose of this analysis is to ascertain whether there are alternatives of design, or scope which substantially lessen the significant impacts.

The Strong Neighborhoods Plan EIR includes two alternatives to the proposed project. As all of the significant impacts identified within the EIR are programmatic in nature and could occur at almost any location within the City, an Environmentally Superior Alternative is not readily available. The two alternatives considered within the EIR are No Project and Incorporated City Areas Only. Due to the programmatic nature of the project and EIR, environmental impacts under both alternatives would be similar to the project

Relationship of EIR to the Project

Planning Commission action on the EIR does not predetermine their decision on the project. If the Planning Commission certifies the EIR as completed in compliance with the requirements of CEQA, it may recommend approval or denial of the project based on its evaluation of the project.

Conclusion

The Strong Neighborhoods Redevelopment Plan Final EIR meets the requirements of CEQA by disclosing the significant environmental effects of the project, identifying possible ways to mitigate the significant effects and describing reasonable alternatives to the project. The Final EIR complies with the substantive and procedural requirements of the CEQA guidelines for projects of regional significance. The FEIR is adequate, complete and in compliance with the requirements of CEQA.

PUBLIC OUTREACH

A significant aspect of the EIR process is the notification and involvement of various public agencies and organizations in the preparation. This notification begins prior to the preparation of the DEIR with the Notice of Preparation of EIR, which was circulated on May 1, 2001. A Public Scoping Meeting for the DEIR, noticed in the San Jose Mercury newspaper, was held on June 26, 2001 to accept comments regarding the scope and content of the DEIR. The DEIR was circulated on February 15, 2002, with the public comment period ending on April 2, 2002. The DSEIR comment period was extended at the request of the public due to the holidays. A Notice of Availability of the DEIR was published in the San Jose Mercury newspaper on February 15, 2002. The DEIR document was also posted on the Department's web page. A notice of the Planning Commission public hearing for certification of the Final EIR was also published in the San Jose Mercury News.

RECOMMENDATION

The Director of Planning, Building and Code Enforcement recommends the Planning Commission adopt a resolution to certify that:

1. The final EIR has been completed in compliance with CEQA;
2. The final EIR reflects the independent judgement and analysis of the City of San Jose; and
3. The Director of Planning, Building and Code Enforcement shall transmit copies of the Final EIR to the Applicant and to the decision-making body of the City of San Jose for the project.

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Planning, Building and Code Enforcement

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